THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.17111 of 2007

Date:28.08.2007

Between:

A.Chakravarthi and others.

PETITIONERS

AND

The Government of A.P. and others.

---------RESPONDENTS

ORDER:

This writ petition is filed alleging that the elections to the managing committee of the fifth respondent-society were not held for the past six years. It is stated that the term of the previous committee had expired on 13.09.2001 and ever since then, no serious efforts were made to hold the elections. The petitioners contend that the administration of the society had suffered a setback on account of the failure to conduct elections.

On behalf of respondents 1 and 2, a counter-affidavit is filed narrating the circumstances that led to the delay in holding the elections. It is stated that out of 11 Directors of the managing committee, five are to be elected by the Primary Agricultural Cooperative Societies, affiliated to the fifth respondent and the elections to those societies were not held till March, 2006 in view of restructuring of the societies undertaken by the Government. A schedule was published on 30.06.2006 proposing to conduct the

elections on 25.07.2006 and that the same was not proceeded with, on account of the intervening Gram Panchayat elections. Other reasons, such as the elections to Rajahmundry Municipal Corporation and the second respondent having been drawn as an Election Observer in the elections to the Uttar Pradesh Assembly, are also stated. It is, ultimately, stated that a notification has been issued by the second respondent proposing to conduct elections on 07.10.2007.

Another counter-affidavit is filed on behalf of respondents 3, 4 and 5 almost on the same lines.

The petitioners have pointed out their grievance as regards the delay in conducting the elections. Inasmuch as the elections could not be held for six years, it cannot be said that their grievance is not genuine. At the same time, the respondents faced certain problems, which are beyond their control. Conducting elections to the fifth respondent-society depended upon the completion of elections to the affiliated societies. That could not take place till March, 2006, due to restructuring of the societies. It was in June, 2006 that a schedule was fixed for conducting elections. Even this could not be adhered to on account of certain intervening circumstances. Notwithstanding these developments, little more concerted effort would have resulted in conducting of elections by this time. Be that as it may, the second respondent has already fixed the election schedule and with that, the grievance of the petitioner stands redressed. It is hoped that the elections would be proceeded as per the fixed

schedule.

The learned counsel for the petitioner submits that certain members have been admitted by the person-in-charge and they cannot be permitted to take part in the election. She places reliance upon the Judgments of the Supreme Court in **K.SHANTA RAJU v M.L.NAGARAJ**[1] and **JOINT REGISTRAR OF COOPERATIVE SOCIETIES v T.A.KUTTAPAN**[2]

This Court cannot go into the said aspect at this stage. According to the schedule, which is published, the provisional list of members would be published on 16.09.2007 and objections can be submitted up to 23.09.2007. If the petitioners are so advised, they can avail the opportunity provided for under Rule 22 of the A.P. Cooperative Societies Rules, 1964.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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28.08.2007

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[1] 1997(6) SCC 37

[2] 2000(6) SCC 127